

United States Senate

SENATE CAUCUS ON
INTERNATIONAL NARCOTICS CONTROL
HART SENATE OFFICE BUILDING, ROOM 818-C
WASHINGTON, DC 20510

January 6, 2015

The Honorable John Kerry
Secretary of State
2201 C Street NW
Washington, DC 20520

Dear Secretary Kerry,

We are writing to express our concern about the recent suggestion by the State Department that the United Nations Conventions on Narcotic Drugs (“U.N. Conventions”) should be subject to “flexible interpretation,” and that the United States should tolerate the relaxation of drug control policies in other countries, even if they are in conflict with U.S. law or in violation of the U.N. Conventions.¹ Such calls for a “flexible interpretation” of the U.N. Conventions could weaken the United States’ standing as an international leader on drug control issues and may undermine the treaties themselves, as well as the international consensus they reflect.

As you know, the Single Convention on Narcotic Drugs, which is part of the U.N. Conventions, requires state parties – including the United States and virtually all members of the United Nations – to limit the production, distribution, possession and use of marijuana, to scientific and medical purposes. As such, we recognize that the Department of Justice’s decision to permit state laws legalizing recreational marijuana to take effect has placed the State Department in the difficult position of defending U.S. compliance with the treaty.

Nonetheless, as the co-chairs of the Senate Caucus on International Narcotics Control, we are concerned that calls for a “flexible interpretation” of the

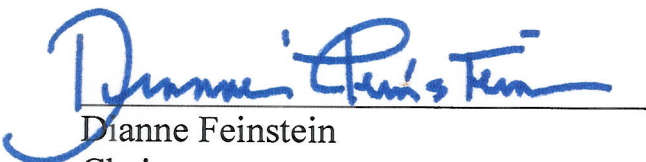
¹ Recently, the Assistant Secretary of State for International Narcotics and Law Enforcement Affairs described what he referred to as the “four pillars” of U.S. international drug policy: (1) respecting the existing U.N. Conventions; (2) accepting flexible interpretation of the U.N. Conventions; (3) tolerating different national drug policies; and (4) combating and resisting criminal organizations. See William R. Brownfield, Asst. Sec’y, Bureau of Int’l Narcotics and Law Enforcement Affairs, U.S. Dep’t of State, Briefing on Trends in Global Drug Policy (Oct. 9, 2014) (transcript available at <http://fpc.state.gov/232813.htm>).

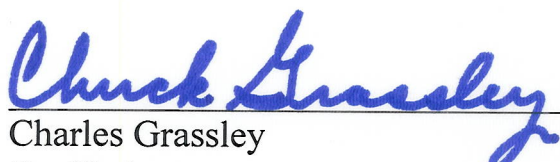
U.N. Conventions and tolerance of drug policies that are in opposition to U.S. law and the U.N. Conventions could create a harmful precedent that would allow state parties to implement policies that legalize other, even more harmful drugs, without recourse. Indeed, we are concerned that these policies suggest that the United States will be reluctant to publicly criticize the drug control policies of countries that violate the U.N. Conventions going forward, and that the United States' silence could be perceived as acceptance.

We understand that the State Department does not intend to ask that the U.N. Conventions be amended at the upcoming U.N. General Assembly Special Session on Drugs in 2016. However, continued calls for a "flexible interpretation" of the U.N. Conventions may damage the United States' standing as an international leader on drug control issues.

Therefore, we respectfully urge you to support adherence to the U.N. Conventions, which have mutually benefitted the health and welfare of the United States and the international community. However, should the State Department continue its call for their "flexible interpretation," we request that by February 1, 2015, you provide the Caucus with an explanation of this policy that addresses the above concerns.

Sincerely,


Dianne Feinstein
Chairman


Charles Grassley
Co-Chairman